# COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION



IN THE MATTER OF:

FRANK MCANINCH	)	
COMPLAINANT	)	NO
V.	) CASE ) 2013-0	
TAYLOR COUNTY RURAL ELECTRIC COOPERATIVE CORPORATION	)	
DEFENDANT	)	

# TAYLOR COUNTY RURAL ELECTRIC COOPERATIVE CORPORATION'S RENEWED MOTIONS TO STRIKE AND TO DISMISS

Defendant, Taylor County Rural Electric Cooperative Corporation ("Taylor County"), by counsel, moves the Commission to strike from this record all documents received by the Commission on September 19, 2013, those documents having apparently been tendered by Complainant as his means of responding to this Commission's September 3, 2013 Order entered herein.

On September 19, 2013, Complainant forwarded to the Commission a cover document apparently entitled "Response to Public Service Commission Order" which describes additional documents appended thereto. That "Response" is neither signed nor verified, nor does it contain a certificate of service, although same was, quite obviously, served upon Taylor County's counsel. Resubmitted with that "Response" are four sets of documents previously tendered by Complainant which were rejected for filing by this Commission's September 3, 2013 Order. The four sets of resubmitted documents are,

once again, unsigned, unverified, and lacking certificates of service. There is affixed to the last page of an April 10, 2004 Deed tendered by Complainant what purports to be a "certificate of service" signed by Complainant, although it is anyone's guess as to what that certificate of service is intended to apply. That certificate of service appears to bear the signature of a notary public, although there appears on that page no notarial juriat of any kind.

Complainant has also tendered with his purported "Response" a copy of a Deed dated April 10, 2004, which purports to evidence transfer of title of the property involved in this application to Marshall McAninch, who is apparently the father of Complainant. Assuming that the 8 tracts described in that Deed include the property which is the subject of this application, that property appears to have been transferred from Marshall McAninch and his wife to their respective revocable trust(s) by Deed of November 8, 2006, recorded in Deed Book 246, Page 389, in the office of the Casey County Clerk, a copy of which is appended hereto as 11-Page Exhibit A. That Deed does not, with respect to the property making up Parcel 1 (the property in question) include an appropriate derivation clause, but it is apparent that Parcel 1 is made up of those tracts which are included within the April 10, 2004 Deed tendered by Complainant. Complainant's "Response" includes what purports to be a letter dated September 16, 2013, apparently signed by M.F. McAninch and Vivien McAninch, which appears, for reasons which escape Taylor County, to misrepresent ownership of the property in question. In any event, it can now be definitively concluded that Complainant does not own the property with respect to which this application is made, and that he thus purports to represent the interests of the property owners (although he is apparently unaware of

the status of legal title in and to that property), which owner(s) would be called upon to grant easement privileges for the purpose of any extension of service undertaken on this property. The fact that Complainant must, of necessity, purport to represent here not only his own interests, but the interests of the property owner(s), is the very essence of the unauthorized practice of law by an unlicensed person, such unauthorized practice being specifically proscribed by this Commission's Rules of Procedure, as well as the Rules of the Supreme Court of Kentucky. Accordingly, Taylor County reiterates its previously-filed Motion to Dismiss the within proceeding on the grounds that Complainant continues to engage in any unauthorized practice of law.

Finally, and to the extent that the September 16, 2013 letter from Mr. and Mrs. McAninch is intended as compliance with either numerical paragraphs 5 or 6 of the Commission's September 3<sup>rd</sup>, 2013 Order, Taylor County would point out that, once again, verification of that document is lacking because the notarial jurat / acknowledgment appearing to be attached thereto is improper in form in several respects, the most obvious being that the jurat purports to confirm the authenticity of the signatures, but not the document itself.

In accordance with the foregoing, it is apparent that Complainant, in response to this Commission's September 3, 2013 directive, has failed to comply therewith in some respects and has, in his attempt to do so, also furnished incorrect information in improper form. In so doing Complainant has confirmed his engagement in the unauthorized practice of law. Taylor County respectfully suggests that this Commission should not further direct its resources to the giving of instruction to a Complainant who refuses to

make a good-faith effort of compliance with either the Commission's established Rules of Procedure or its entered Orders.

SPRAGENS & HIGDON, P.S.C. Attorneys at Law 15 Court Square - P. O. Box 681

Lebanon, Kentucky 40033 Telephone: (270) 692-3141 Facsimile: (270) 692-6693

Email: rspragens@spragenshigdowlaw.com.

ROBERT SPRAGENS, JR

Counsel for Taylor County Rural Electric Cooperative Corporation

I hereby certify that a true copy of the foregoing was mailed this 19th day of September, 2013, to:

Original and 10 Copies

Mr. Jeff Derouen, Executive Director Kentucky Public Service Commission 211 Sower Boulevard P.O. Box 615 Frankfort, Kentucky 40602

Frank McAninch 1341 Ivan Godbey Rd. Liberty, KY 42539 Complainant

Robert Spragens,

# DEED

MARSHALL MCANINCH and VIVIEN MCANINCH, husband and wife, 122 Longview Drive, Richmond, KY 40475, PARTIES OF THE FIRST PART, and MARSHALL MCANINCH and/or VIVIEN MCANINCH, Trustee or their successors in trust of the MARSHALL MCANINCH REVOCABLE TRUST under agreement dated November 8, 2006, 122 Longview Drive, Richmond, KY 40475, and VIVIEN MCANINCH and/or MARSHALL MCANINCH, Trustee or their successors in trust of the VIVIEN MCANINCH REVOCABLE TRUST under agreement dated November 8, 2006, 122 Longview Drive, Richmond, KY 40475, and VIVIEN MCANINCH MCANINCH REVOCABLE TRUST under agreement dated November 8, 2006, 122 Longview Drive, Richmond, KY 40475, PARTIES OF THE SECOND PART.

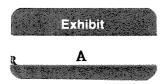
#### WITNESSETH:

For purposes of funding the Marshall McAninch Revocable Trust and the Vivien McAninch Revocable Trust, the parties of the first part do hereby grant and convey a one-half (1/2) undivided interest unto Marshall McAninch and/or Vivien McAninch, Trustee or their successors in trust of the Marshall McAninch Revocable Trust under agreement dated November 8, 2006, in fee simple, their successors and assigns forever, and a one-half (1/2) undivided interest unto Vivien McAninch and/or Marshall McAninch, Trustee or their successors in trust of the Vivien McAninch Revocable Trust under agreement dated November 8, 2006, in fee simple, their successors and assigns forever, in the following described property situated in Casey County, Kentucky, to-wit:

## Parcel 1

#### TRACT ONE

A certain tract of land lying in Casey County, Kentucky on the headwaters of Knob Lick Creek and bounded as follows: Beginning at a stone at the County Road; thence S. 3 E. 23 7/10 rods to a stone; thence S. 86 E. 18 7/10 rods to a stone in a division line and corner of 2 1/5 acre tract; thence with the division line and fence S. 1 ½ W. 119 rods to a stone in the wire fence and in the outside line; thence with the fence and outside line S. 69 W. 26 9/10 rods to a stone; thence



#### TRACTIWO

A certain tract of land lying in Casey County, Kentucky on the headwaters of Knob Lick Creek and bounded as follows: Beginning at a stone at the County Road and a corner of a 2 1/5 acre lot, also a corner of the division line; thence with the fence and division line S. 1 ½ W. 138 7/10 rods to a stone in the wire fence and in line of outside boundary and a corner of the division line; thence with the wire fence and outside line N. 69 E. 4 3/10 rods to a stone; thence N. 69 E. 76 1/5 rods to a stone and post of fence; thence with wire fence N. 8 E. 77 1/5 rods to edge of Liberty and Somerset Road; thence along the Road N. 64 W. 23 9/10 rods; N. 72 ½ W. 10 rods; N. 68 ½ W 12 ½ rods; N. 61 W. 16 rods; N. 72 W. 16 4/5 rods N. 78 ½ W. 10 7/10 rods to the beginning, containing 55 acres, more or less.

#### TRACT THREE

A certain tract of land lying in Casey County, Kentucky on the headwaters of Knob Lick Creek and bounded as follows: Beginning at a stone, corner of the division line and at the road; thence N. 78 ½ W. 14 1/5 rods to a stone; thence N. 63 ¾ W. 6 7/10 rods to a stone; thence S. 3 E. 23 7/10 rods to a stone; thence S. 86 E. 18 7/10 rods to a stone in the division line; thence with said line N. 1 ½ F. 19 7/10 to the beginning, containing 2 1/5 acres, more or less.

## TRACLEOUR

Beginning at poplar McAninch heirs corner; thence East with Somerset Liberty Road to Y of new road, thence Southern direction with new road to corner in Judd line; thence Western direction to McAninch heir corner on Knob; thence Northern direction to the beginning.

#### TRACT EIVE

Beginning at a stone in Dockry line; and corner to Lot #4; thence with a line of same N 15 W 48  $\frac{1}{2}$  poles to a stone in the old McAninch line; thence with said line S 69 W 36 1/5 poles to a stone and walnut Hatter corner; thence with Hatters line S 26  $\frac{1}{2}$  E 44 3/5 poles to a stone in Dockery line thence with said line N 75  $\frac{1}{2}$  E 26 2/5 poles to the beginning, being Lot #5.

#### TRACTSIX

A certain tract of land lying and being in Casey County, KY on the headwaters of Hatter Creek Beginning at white walnut and Horn beam near spring in JW Dockery line N 75 ½ E 74 4/5 poles to a stone thence N 73 E 28 4/5 poles to a stone in bend of road thence N 9 ½ W 24 4/5 poles to a stone, thence N 39 W 14 4/5 poles to stone A.G. Judds corner, thence S 81 ½ W 8 poles & 23 links to a willow above road thence N 31 ½ W 15 poles and 23 links to a stone, thence N 9

 $^{14}$  W  $^{19}$  poles to a stone in McAninch line, thence S 69 W 86 2/5 poles to a stone in McAninch line, thence S 45 E 51 2/5 poles to beginning containing 33  $\frac{3}{4}$  acres.

#### TRACT SEVEN

Lot No. 4: Beginning at a stone in Dockery line; thence with white walnut and hornbeam as pointer, a corner to Lot No. 3; thence with line of same N 15 W 51 2/5 poles to stone in the old McAninch line; thence with said line S 69 W 28 2/5 poles to a stone in said line; thence S 15 E 48 ½ poles to a stone; thence same N 75 ½ E 28 2/5 poles to the beginning.

#### TRACTEIGHT

Beginning on a stone in Sterling Buis line with his line North 29 poles to a stone in J. R. McAninch line, thence with his line West 21 poles to a stone in J. R. McAninch and G. S. Putteet line, thence South 25 poles to a buch of willows near a branch; thence East 9 poles to the beginning containing 2 acres and 80 poles.

EXCLUSION: A certain tract or boundary of fand located and situated in Casey County, Kentucky, and on the headwaters of Knob Lick Creek in said County and State and being more particularly bounded and described as follows:

BEGINNING at a stone corner to J. A. Buis and Johnnie Morgan; thence N 2-78 W 18 rods to a stone in old McAninch line; thence with said line S 68-3/4 W 9-1/5 rods to a point in center of road; thence with said road S 1-5/8 E 25-3/5 rods to a point near center of road; N 81-1/4 E 8 rods and 23 links to the beginning, containing one acre, more or less, according to survey made by E. T. Cooper, dated November 22, 1957

#### THIS CONVEYANCE IS CONDITIONED AS FOLLOWS:

- This property is subject to any and all right-of-ways and easements, real or apparent, whether recorded or unrecorded and whether acquired by deed, prescription, or otherwise.
- 2. That the tobacco income is reserved from Mary Opal McAninch for her

#### Parcel 2

LOCATION: A certain tract or parcel of land lying on the waters of Green River and on Kentucky Highway No. 70 in Casey County, Commonwealth of Kentucky, and being more accurately described as follows:

BEGINNING at a stake in original line by side of Dry Ridge Road, T. M. Zachary's corner; thence N 27 ½ E 2 poles to old corner, a stone; thence N 42 ½ E 44 poles to stone at foot of hill, outside line; thence with outside line S 81 E 5 ½ poles to hickory stump and stone on top of bluff; thence N 35 E 15 poles to stone at mouth of branch; thence across pike N 57 W 86 poles to a stone; thence N 22 W 37 ½ poles to a point in river, outside line; thence down the river S 33 ¼ W poles to T. M. Zachary's line, corner in ford of river; thence south said Zachary's line to a stake; on south side of pike and on south side of river, said Zachary corner; thence S 31 W 30 poles to stake at edge of gravel bar and side of Dry Ridge Road, said Zachary corner; thence S 78 E 16 poles to the beginning, containing 9 ¼ acres, more or less.

The parties hereto acknowledge by the execution, delivery and acceptance of this deed that the description set forth hereinabove is incorrect and the hereinabove described real property is conveyed by the boundary and without warranty or representation as to the acreage contained therein.

EASEMENTS: The hereinabove described real property is conveyed subject to any and all easements which may appear of record or which may appear from an examination of the subject property, specifically including, but not limited to, easements for Kentucky Highway No. 70, Kentucky Highway No. 1649, the old Liberty to Dry Ridge Road, and utility easements.

Being the same property conveyed to M. F. McAninch and Vivien McAninch, by Orpha Mae Davis, a single woman; Arnold Davis and Patsy Davis, his wife; and Marvin Davis and Suc Davis, his wife, by deed dated December 21, 1976, and recorded in Deed Book 96, Page 209, in the Casey County Court Clerk's Office.

#### Parcel 3

LOCATION: A certain tract or parcel of land located in Casey County, Commonwealth of Kentucky, and being more accurately described as follows:

DESCRIPTION: Beginning at a stone on the South side of the Godbey-Rich Hill Creek Road, also being a corner to Huel Buis and Rich Hill Church; thence S 14 degrees 55' 05" E. 562.39 feet to a sycamore stump; thence S 70 degrees 45' 20" W. 510.66 feet to a post; thence S 1 degree 25' 32" W. 469.05 feet to a stone, also a corner to A. Powell; thence with Powell N 82 degrees 29' 43" E 1227.24 feet to an

aron pin, also a corner to J. Godbey; thence N 78 degrees 00' 00" E, 874.50 feet to an iron pin; thence N 1 degree 34' 54" E, 436.95 feet to a poplar on North side of road, thence with road N 63 degrees 15' 30" W 55.70 feet; N 43 degrees 32' 12" W, 251.70 feet; N 63 degrees 43' 07" W, 213.82 feet; N 70 degrees 10' 02" W, 84.24 feet; N 85 degrees 53' 17" W, 405.45 feet to a stone, a corner to H. Davenport; thence N 10 degrees 10' 11" W, 152.86 feet to a stone; thence N 77 degrees 12' 13" W, 31.60 feet to a stone; thence S 21 degrees 02' 32" W, 88.98 feet to a stone and gum, thence N 89 degrees 40' 01" W, 109.19 feet to a beech; thence S 11 degrees 03' 46" W, 296.33 feet crossing road and with Rich Hill Church Line and fence to a steel fence post; thence with fence N 79 degrees 45' 22" W, 242.27 feet to a steel post; thence N 50 degrees 13' 46" W, 165.42 feet to a post; thence N 63 degrees 11' 46" W, 241.24 feet to the point of beginning, containing 38.0167 acres pursuant to a survey conducted on January 31, 1987, by H. B. Wilson, Registered Land Surveyor #2041.

Being the same property conveyed to Marshall McAninch and Vivien McAninch, his wife, by Huel V. Buis and Lois J. Buis, husband and wife, and Maxine Roy, a single person, by deed dated July 15, 1992, and recorded in Deed Book 157, Page 798, in the Casey County Court Clerk's Office.

Bres

#### Parcel 4

One certain tract or parcel of land, same lying and being in Casey County, Kentucky, on the waters of Green River, on the South side of East Kentucky Highway No. 70 (Yosemite Road), and located approximately one-half mile from the Court House Square in the City of Liberty, Casey County, Kentucky, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING on a stone at corner of Josh Price's yard, also corner to Lot No. 3 N. 75-1/2 E. 26 poles and 2 links to a stone at corner of K.E.D. lot; thence S. 21 E. 24-3/5 poles to a point in the river in a line of a tract of land sold to K. R. Grider by Betty Ellis; thence down the river to a point in the river, Josh Price's corner; thence S. 48 E. 25 poles to a stone, whiteoak and buckeye; thence along the foot of the hill on the South side of the river S. 56 W. 35 poles to a whiteoak and beech as pointers; thence S. 55 W. 35 poles to two small maples and an elm at the mouth of a hollow, corner to Patrick Whipp's knob land; thence N. 51-1/2 W. 12-3/5 poles to a point in the river, Josh Price's corner; thence up the river to a point in the river, corner to Lot No. 3; thence N. 46 E. 8 poles and 21 links to a point in the river corner to Lot No.

Being the same property conveyed to M. F. McAninch and his wife, Vivien McAninch, by Johnnie McAninch and his wife, Wanda McAninch, by deed dated January 2, 1976, and recorded in Deed Book 91, Page 747, in the Casey County Court Clerk's Office.

#### IT IS AGREED AND UNDERSTOOD AS FOLLOWS:

- 1. That the above described property is subject to all rights of way and easements for existing highways, roadways and passways and streets and further subject to all utility easements, if any, whether recorded, unrecorded, real or apparent.
- 2. It is specifically agreed and understood that no warranty is made by first parties and grantors with respect to the acreage of said lands or the area measurement of same, irregardless of whether or not same is deficient to any extent or degree and that no warranty is made with respect to the accuracy of the survey or plat referred to in the source of title clause hereinabove, said lands and property being sold by the boundary only and not by the acre or area measurement.

#### Parcel 5

A certain tract or parcel of land lying in Casey County, Kentucky and described as follows;

On the head waters of Knob Lick Creek, beginning at a stone near the Vince Wesley Spring; thence with the meanders of said branch and down same with Gentiau ine, to lesse Buise line to a stone; thence up a branch with Jesse Buise line to a stone in public road leading from Liberty to Somerset; thence with said road toward Somerset to a stone, Dockery's corner at a crook in the county road in front Dockery's house; thence with the public road to a stone in the division line between Issac Hay and said DeBoard suppose to be 100 poles with the division line between Hay and DeBoard to the beginning corner.

Being the same property conveyed to Marshall McAninch and Vivien McAninch, husband and wife, by Gene Hardin and Carol Brackett Hardin, husband and wife, by deed dated December 4, 1988, and recorded in Deed Book 142, Page 760, in the Casey County Court Clerk's Office.

This conveyance is subject to all easements and restrictions of record

#### Parcel 6

Three certain tracts or parcels of land lying in Casey County, Kentucky, on the head waters of Jonathan Fork Creek and is bounded and described as follows:

First Tract: Beginning at a stone in old line being 4 poles from a black walnut, N 7-1/3 W 64 poles to a hickory; N 67 W 33 poles to 3 small ash bushes; S 89 W 42 poles; thence N 46 W 40 poles to a beech and white oak; thence S 26 W 65 poles; N 7 1/2 E about 25 poles; thence S 49-1/2 W 33 poles to a chestnut oak on the west side of the creek; thence N 15 W 29 poles to a buckeye; thence S 38 W 31 poles to a dogwood; thence S 45-1/2 W 19-1/2 poles to a pine Jim Brown's corner; thence S 43-1/2 E 94 poles to two chestnuts; thence S 10 E 43 poles to a cucumber, Jim Brown's corner; thence S 82 W 15 poles to an ash; thence S 34-1/3 W 21 poles to a chestnut by the side of the county road, S 76-1/4 E 138 poles to a small hickory; N 71 E 27-1/4 poles to the beginning. Containing 95-5/16 acres more or less.

Second Fract: Beginning at a black walnut by the road, S. F. Flatter corner; thence with his line S 71 W 4 poles to a stone in said line on the south side of the road; thence N 7-1/2 W 64 poles to a small hickory on the side of a hill; thence N 67 W 33 poles to a hickory in a hollow where once two small ash bushes; thence N 26 E 64 poles to a stone where once stood a poplar and chestnut; thence S 52-1/2 E 48-1 2 poles to a chestnut oak; thence S 74-1/2 E 29-2/5 poles to a stone, Flenry Vests corner; thence with his line S ¼ W 89 poles to a black walnut on the North side of the road; S. F. Hatter corner, thence with his line N 82 W 14-1/2 poles to a stone; thence S 43-1/2 W 9-1/5 poles to a small black gum; thence S 87-3/4 W 34-4/5 poles to the beginning, containing 46-3/4 acres, more or less.

Find Tract: Beginning at a stone where once stood a chestnut and poplar H. D. Vests and Ira Holmes corner; thence with said Vest's line N 50-1/4 W 33-1/5 poles to a large white oak said Vests corner and a corner of a survey made in name of N. D. Walls; thence with line of said survey S 79-1/2 W 88 poles to a stone corner of Walls survey; thence S 24-1/2 E 29 poles to a stone; thence S 44-3/4 E 15 poles to a cherry; thence S 31 E 20 poles to a small white oak; thence S 54-1/2 E 7-1/5 poles to a pine; thence S 76-1/2 E 22-2/5 poles to a maple; S 86 L 24 poles to two small ash bushes, Ira Holmes corner; thence with his line N 26 E 64 poles to the beginning, containing 36 acres by survey.

Being the same property conveyed to M. F. McAninch, by Mayjorie Holmes, a widow, and Paul Holmes and Lorena Holmes, his wife, by deed dated November 9, 1966, and recorded in Deed Book 77, Page 196, in the Casey County Court Clerk's Office.

Parcel 7

BEGINNING at a stone at the intersection of the Poplar Hill-Willow Springs Road and the County Road; thence with the South side of the County Road N. 73 E. 457 feet to a stone, corner to Charles Ray Durham; thence with his lines. S. 21-14 E. 446 feet and 6 inches to a large post; thence N. 70-1/2 E. 110 feet and 5 inches to a stone; thence N. 19 E. 30 feet to a stone; thence N. 23-1/4 W. 176 feet to a stone in a ditch above a culvert; thence with the edge of a lane N. 21-1/2 W. 240 feet to a stone on the side of the County Road, thence with side of said County Road N. 73 E. 512 feet to a stone; thence S. 25 E. 480 feet to a stone. Music's corner; thence with his line S. 65-1/2 W. 980 feet to a stone, corner to lot of Owens'; thence with line of same N. 12 W. 210 feet to a stone; thence S. 65-1/2 W. 31 feet to a stone, corner to lot of Leon Wesley; thence with line of same N. 23 W. 164 feet and 4 inches to a stone; thence N. 68-1/2 W. 145 feet to a stone; thence S. 62 W. 50 feet to the edge of the Poplar Hill-Willow Springs Road; thence with the right of way of said road N. 17-1/2 W. 153 feet to the beginning, containing 10 acres, more or less.

The foregoing description being pursuant to a survey and plat, made by H. F. Lucas, Registered Land Surveyor # 935, made on July 22, 1981. Said property as above described is subject to all rights of way and casements for highways, roadways and passways and is further subject to rights of way and easements for utilities, if any, whether recorded, unrecorded, real or apparent

Being the same property conveyed to M. F. McAninch and his wife, Vivian McAninch, by Betty Brown, a widow; Mayme McAninch, a widow, by and through Leonard McAninch, acting under a Power of Attorney; Orville Phelps and his wife, Mary Phelps; Donna Storm and her husband, Howard Storm; Phyllis Phelps, single: Gerald Phelps and his wife, Merry Phelps; Bonnie Kane and her husband Alfred Kane and Marian Van Gunten, single, as heirs at law of Henry Phelps, deceased, by deed dated October 28, 1981, and recorded in Deed Book 116, Page 617, in the Casey County Court Clerk's Office

#### Parcel 8

Beginning, at a stone on the West side of State Highway No. 70, Arnold Dye's corner; thence South 62 1/4 West, 33-4/5 rods to a stone; thence South, 32-1/8 East, 39 rods and 7 links to a stone; thence North 58-3/8 East, 33 rods and 17 links to a stone at the edge of Highway No. 70; thence with said Highway, North 32-1/8 West, 36 rods and 18 links to the beginning, containing 8 acres, more or less.

Being the same property conveyed to Marshall McAninch and Vivien McAninch, by Casey County Board of Education, by deed dated March 8, 2006, and recorded in Deed Book 240, Page 413, in the Casey County Court Clerk's Office.

Marshall McAninch and M.F. McAninch are one and the same person. Vivien

McAninch and Vivian McAninch are one and the same person.

TO HAVE AND TO HOLD the above-described property, together with all the appurtenances and privileges thereunto belonging unto the parties of the second part, a one-half undivided interest unto each second party, in fee simple, their successors and assigns forever.

The parties of the first part do hereby release and relinquish unto the said parties of the second part, their successors and assigns forever, all of their right, title and interest in and to the property and do hereby covenant to and with the parties of the second part, their successors and assigns forever, that they are lawfully seized in fee simple of the said property and have good and perfect right to sell and convey the same as herein done; that their title hereto is clear, perfect and unencumbered, except mortgages, easements and restrictions of record; and that they will warrant generally the same.

Consideration Certificate: The parties hereto hereby certify that the property herein conveyed is transferred without consideration. We further certify that the full estimated fair cash value of the property herein conveyed as follows:

Parcel 1 \$ 50,600. 2;
Parcel 2 \$ 7,000. 2;
Parcel 3: \$ 54,000. 2;
Parcel 4: \$ 27,000. 2;
Parcel 5: \$ 20,000. 2;
Parcel 6: \$ 25,500. 2;
Parcel 6: \$ 15,000.00.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands this the day and year first above written.

PARTIES OF THE FIRST PART:

MARSHALL MCANINCH

AMERINGANINGH

PARTIES OF THE SECOND PART:

Marshall McAninch Revocable Trust Vivien McAninch Revocable Trust

VIVIEN MCANINCH, TRUSTEE Marshall McAninch Revocable Trust Vivien McAninch Revocable Trust

STATE OF KENTUCKY ) SCT. COUNTY OF MADISON

I, the undersigned Notary Public in and for the State and County aforesaid, do hereby certify that the foregoing Deed and Consideration Certificate was this date produced to me by MARSHALL MCANINCH and VIVIEN MCANINCH, husband and wife, and signed, sworn to and acknowledged by them to be their free and voluntary act and deed for the purpose therein stated.

IN TESTIMONY WHEREOF, witness my hand and official seal of office hereto this 8th day of November, 2006.

My commission expires: 5 / 17 / 2010

Alexa Lable Essence

KENTUCKY STATE AT LARGE

STATE OF KENTUCKY SSCOUNTY OF MADISON

The foregoing Consideration Certificate was acknowledged and sworn to before me this 8th day of November, 2006, by MARSHALL MCANINCH and VIVIEN MCANINCH, Trustees, of the MARSHALL MCANINCH REVOCABLE TRUST and VIVIEN MCANINCH REVOCABLE TRUST, parties of the second part.

My commission expires: 5/17/2010

alexa doll Emman

STATE OF KENTUCKY AT LARGE

PREPARED BY:

EMMONS, PUCKETT & SHANNON, PLIC

Attorneys at Law

114 North Second Street

Richmond, RY 40475

BY:

allen Redd hom wer AUSON LOBB EMMONS

CASE OF AUNTUCKY/COUNTY OF CASE//SCT CEVAS, MILLER, CLERK IN AND FOR CASE/ COUNTY, DEFINE CLERK IN AND FOR CASEY COUNTY.

DEFINE BY CERTIFY THAT THE FUREGOING INSTRUMENT NOT WRITING WAS THIS ILL DAY OF NOT.

DO L. AT 344 P. M. LOUGED FOR RECORD MERCUPON THE SAME WITH THE FOREGOING AND MERCUPON THE SAME WITH THE FOREGOING AND THIS CENTIFICATE HAVE BEEN RECORDED IN MY OFFICE OF DOOR HOOK AND PAGE 389 GIVEN UNDER MY HAND THIS. ILL LAY OF NOT. 2006.

VAS MILLER CLERK IN AND FOR CASEY COUNTY.